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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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John P. Ruckart

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EXAMINER

FOX, JAMAL A

ART UNIT

PAPER NUMBER

2664

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/024,135

Applicant(s)

RUCKART ET AL.

Examiner

Jamal A. Fox

Art Unit

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/8/2005</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Elliott et al. (U.S. Patent No. 6,614,781).

Referring to claim 1, Elliott et al. discloses a telecommunications system (Fig. 1 and respective portions of the spec.) for routing telephone calls on a Voice over Internet Protocol (VoIP, col. 17 line 59 - col. 18 line 11 and col. 24 lines 10-28) platform comprising:

at least one telephone device (Fig. 1 ref. signs 102, 122, 120 and 124 and respective portions of the spec.) in communication with the network;

a trigger (Fig. 1 ref. signs 104 and 106 and soft switch, col. 6 lines 6-16, col. 22 lines 41-51, col. 27 lines 33-40, and col. 30 lines 35-45) for identifying telephone calls of said telephone device;

a terminal (Fig. 1 ref. signs 108 and 110 and respective portions of the spec.) in communication with said at least one telephone device for routing telephone calls base on identifications by said trigger (trigger, col. 6 lines 6-18, col. 22 lines 41-51, col. 27 lines 33-37 and col. 30 lines 35-45) to one of a standard telephone network and a VoIP (VoIP, col. 17 line 59 - col. 18 line11 and col. 24 lines10-28) network; and

a network (Data Network, Fig. 1 and respective portions of the spec.) coupled to said VoIP (VoIP, col. 17 line 59 - col. 18 line11 and col. 24 lines10-28) network for routing Internet protocol telephone calls to one or more devices in communication with the telecommunications system.

Referring to claim 2, Elliott et al. discloses a system according to claim 1, wherein said trigger (Fig. 1 ref. signs 104 and 106 and soft switch, col. 6 lines 6-16, col. 22 lines 41-51, col. 27 lines 33-40, and col. 30 lines 35-45) is configured to identify telephone calls to be routed to the VoIP (VoIP, col. 17 line 59 - col. 18 line11 and col. 24 lines10-28) network.

Referring to claim 3, Elliott et al. discloses a system according to claim 1, wherein said VoIP (VoIP, col. 17 line 59 - col. 18 line11 and col. 24 lines10-28) network is part of a Central Office (central office, col. 70 lines 15-20 and col. 235 line 25 – col. 236 line 30) of a standard telephone system.

Referring to claim 4, Elliott et al. discloses a system according to claim 2, wherein said telephone calls are identified based on "1+" (1+, col. 6 lines 6-20, col. 21 lines 35-45, col. 22 lines 41-51, col. 27 lines 33-37 and col. 220 lines 10-15) dialing .

Referring to claim 5, Elliott et al. discloses a system according to claim 2, wherein said telephone calls are identified based on "ANI" (ANI, col. 27 lines 38-40, col. 28 lines 10-15, col. 90 lines 50-55, col. 91 lines 19-25, col. 221 lines 10-15, col. 221 lines 25-30, col. 221 lines 45-50, col. 221 lines 60-65, col. 223 lines 55-65 and col. 226 lines 59-61).

Referring to claim 6, Elliott et al. discloses a system according to claim 2, wherein said telephone calls are identified based on an area code (area code, col. 88 lines 55-60, col. 217 lines 12-20, col. 221 lines 5-10, col. 221 lines 44-50 and col. 223 lines 40-45).

Referring to claim 7, Elliott et al. discloses a system according to claim 1, wherein said calls are identified to be routed to one of said standard telephone network and the VoIP network on a predefined code (predefined code, col. 217 lines 20-26).

Referring to claim 8, Elliott et al. discloses a system according to claim 2, wherein said telephone calls are identified based on PIC (PIC, col. 94 lines 1-6, col. 216 lines 40-45 and col. 219 lines 25-55).

Referring to claim 9, Elliott et al. discloses a system according to claim 1, wherein said at least one telephone device is a cellular (cellular, col. 226 lines 45-50) telephone.

Referring to claim 10, Elliott et al. discloses a system according to claim 1, wherein at least one telephone device has at least two or more standard telephone lines (lines, col. 16 lines 65-67 and col. 226 lines 45-50) on said network.

Referring to claim 11, Elliott et al. discloses a system according to claim 10, wherein said calls from said two or more telephone lines are identified based on predefined account codes (account code, col. 6 lines 20-35).

Referring to claim 12, Elliott et al. discloses a system according to claim 1, wherein at least one telephone device comprises a feature phone that includes identification means for identifying (identifying, col. 60 lines 56-67, col. 61 lines 5-12 and col. 92 lines 25-30) calls to be routed to the VoIP (VoIP, col. 17 line 59 - col. 18 line11 and col. 24 lines10-28) network.

Referring to claim 13, Elliott et al. discloses a system according to claim 3, wherein said at least one telephone device comprises a feature phone (Fig. 1 ref. signs 102, 122, 120 and 124 and respective portions of the spec.).

Referring to claim 14, Elliott et al. discloses a telephone system (Fig. 1 and respective portions of the spec.) including a switch network for routing telephone calls of at least one user of the system to a VoIP (VoIP, col. 17 line 59 - col. 18 line11 and col. 24 lines10-28) network comprising:

means (Fig. 1 ref. signs 102, 122, 120 and 124 and respective portions of the spec.) for said at least one user to initiate telephone calls in the first protocol;

means (Fig. 1 ref. signs 108 and 110 and respective portions of the spec.) for receiving calls from said user in said first protocol and routing at least one of said

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received calls to the VoIP (VoIP, col. 17 line 59 - col. 18 line 11 and col. 24 lines 10-28) network based on at least one identification criterion;

means for converting (converts, col. 52 lines 30-36; convert, col. 68 lines 15-26 and col. 71 lines 29-34) routed calls to internet protocol (IP, col. 83 lines 39-47); and

means (Data Network, Fig. 1 and respective portions of the spec.) for routing at least one call of said user in said first protocol to another user of said telephone system in said first protocol.

Referring to claim 15, Elliott et al. discloses a system according to claim 14, wherein said means for receiving calls in said first protocol includes switch means for identifying calls to be routed based on ANI (ANI, col. 27 lines 38-40, col. 28 lines 10-15, col. 90 lines 50-55, col. 91 lines 19-25, col. 221 lines 10-15, col. 221 lines 25-30, col. 221 lines 45-50, col. 221 lines 60-65, col. 223 lines 55-65 and col. 226 lines 59-61).

Referring to claim 16, Elliott et al. discloses a system according to claim 14, wherein said means for receiving calls in said first protocol includes switch means for identifying calls to be routed based on "1+" (1+, col. 6 lines 6-20, col. 21 lines 35-45, col. 22 lines 41-51, col. 27 lines 33-37 and col. 220 lines 10-15) dialing.

Referring to claim 17, Elliott et al. discloses a system according to claim 14, wherein said means for receiving calls in said first protocol includes switch means for identifying calls to be routed based on at least one predefined code (predefined code, col. 217 lines 20-26).

Referring to claim 18, Elliott et al. discloses a system according to claim 14, comprising one or more feature phones (Fig. 1 ref. signs 102, 122, 120 and 124 and

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respective portions of the spec.) comprising means for users of said system to identify calls to be converted (converts, col. 52 lines 30-36; convert, col. 68 lines 15-26 and col. 71 lines 29-34) to IP protocol.

Referring to claim 19, Elliott et al. discloses a computer-readable medium with instructions executable by a processor for routing telephone calls on a standard telephone service line at a Central Office (central office, col. 70 lines 15-20 and col. 235 line 25 – col. 236 line 30) to a VoIP (VoIP, col. 17 line 59 - col. 18 line11 and col. 24 lines10-28) platform based on a trigger (trigger, col. 6 lines 6-18, col. 22 lines 41-51, col. 27 lines 33-37 and col. 30 lines 35-45), the medium comprising instructions to:

identify (identifying, col. 60 lines 56-67, col. 61 lines 5-12 and col. 92 lines 25-30) at least one of a plurality of calls as one to be routed to a VoIP (VoIP, col. 17 line 59 - col. 18 line11 and col. 24 lines10-28) platform;

route the identified at least one call to a VoIP (VoIP, col. 17 line 59 - col. 18 line11 and col. 24 lines10-28) platform.

Referring to claim 20, Elliott et al. discloses a Central Office (central office, col. 70 lines 15-20 and col. 235 line 25 – col. 236 line 30) for identifying (identifying, col. 60 lines 56-67, col. 61 lines 5-12 and col. 92 lines 25-30) telephone calls on a telephone network to be routed to a VoIP (VoIP, col. 17 line 59 - col. 18 line11 and col. 24 lines10-28) network comprising:

identification means (Fig. 1 ref. signs 104 and 106 and soft switch, col. 6 lines 6-16, col. 22 lines 41-51, col. 27 lines 33-40, and col. 30 lines 35-45) for identifying calls

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to be routed to the VoIP (VoIP, col. 17 line 59 - col. 18 line11 and col. 24 lines10-28) network when received by the Central Office;

means for routing calls to a POTS (POTS, col. 226 lines 45-50); and

means for routing calls to a VoIP (VoIP, col. 17 line 59 - col. 18 line11 and col. 24 lines10-28) application;

means for converting (converts, col. 52 lines 30-36; convert, col. 68 lines 15-26 and col. 71 lines 29-34) calls to IP (IP, col.83 lines 39-47) protocol.

Referring to claim 21, Elliott et al. discloses a Central Office according to claim 20, wherein said calls to be routed are identified based on "1+" (1+, col. 6 lines 6-20, col. 21 lines 35-45, col. 22 lines 41-51, col. 27 lines 33-37 and col. 220 lines 10-15) dialing.

Referring to claim 22, Elliott et al. discloses a Central Office according to claim 20, wherein said calls to be routed are identified based on "ANI" (ANI, col. 27 lines 38-40, col. 28 lines 10-15, col. 90 lines 50-55, col. 91 lines 19-25, col. 221 lines 10-15, col. 221 lines 25-30, col. 221 lines 45-50, col. 221 lines 60-65, col. 223 lines 55-65 and col. 226 lines 59-61).

Referring to claim 23, Elliott et al. discloses a Central Office according to claim 20, wherein said calls to be routed are identified based on an area code (area code, col. 88 lines 55-60, col. 217 lines 12-20, col. 221 lines 5-10, col. 221 lines 44-50 and col. 223 lines 40-45).

Referring to claim 24, Elliott et al. discloses a Central Office according to claim 20, wherein said calls to be routed are identified based on a predefined code (predefined code, col. 217 lines 20-26).

Referring to claim 25, Elliott et al. discloses a Central Office according to claim 20, wherein said calls to be routed are identified based on PIC (PIC, col. 94 lines 1-6, col. 216 lines 40-45 and col. 219 lines 25-55).

Referring to claim 26, Elliott et al. discloses a Central Office according to claim 24, wherein calls from a subscriber's device are identified based on predefined account codes (account code, col. 6 lines 20-35).

Referring to claim 27, Elliott et al. discloses a Central Office according to claim 20, wherein said calls to be routed are identified based on a feature phone identification (identifying, col. 60 lines 56-67, col. 61 lines 5-12 and col. 92 lines 25-30) means.

Referring to claim 28, Elliott et al. discloses a method for routing calls on a standard telephone network to a VoIP (VoIP, col. 17 line 59 - col. 18 line11 and col. 24 lines10-28) platform comprising the steps of:

receiving a plurality of call at a terminal (Fig. 1 ref. signs 108 and 110 and respective portions of the spec.) on the network;

identifying (identifying, col. 60 lines 56-67, col. 61 lines 5-12 and col. 92 lines 25-30) at least one of said plurality of calls as a call to be routed through a VoIP (VoIP, col. 17 line 59 - col. 18 line11 and col. 24 lines10-28) platform;

routing the identified call to the VoIP (VoIP, col. 17 line 59 - col. 18 line11 and col. 24 lines10-28) platform;

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converting (converts, col. 52 lines 30-36; convert, col. 68 lines 15-26 and col. 71 lines 29-34) the routed call to an IP (IP, col.83 lines 39-47) protocol; and

coupling the converted IP call to an end destination (destination, col. 71 lines 35-42) on the telecommunication network.

Referring to claim 29, Elliott et al. discloses the method according to claim 28, comprising the step of:

initiating a trigger (trigger, col. 6 lines 6-18, col. 22 lines 41-51, col. 27 lines 33-37 and col. 30 lines 35-45) to identify the at least one call at a Central Office (central office, col. 70 lines 15-20 and col. 235 line 25 – col. 236 line 35) on the network.

Referring to claim 30, Elliott e al. discloses the method according to claim 29, comprising the step of :

setting a trigger (trigger, col. 6 lines 6-18, col. 22 lines 41-51, col. 27 lines 33-37 and col. 30 lines 35-45) is at the Central Office (central office, col. 70 lines 15-20 and col. 235 line 25 – col. 236 line 35) by identifying a dialed number on the at least one call.

Referring to claim 31, Elliott et al. discloses a method for use on a telecommunications system (Fig. 1 and respective portions of the spec.) to identify (identifying, col. 60 lines 56-67, col. 61 lines 5-12 and col. 92 lines 25-30) and route calls via one of a PSTN network (PSTN, col. 4 lines 31-48 and col. 18 lines 25-31) and a VoIP (VoIP, col. 17 line 59 - col. 18 line11 and col. 24 lines10-28) platform comprising the steps of:

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a step of a Central Office (central office, col. 70 lines 15-20 and col. 235 line 25 – col. 236 line 35) identifying (identifying, col. 60 lines 56-67, col. 61 lines 5-12 and col. 92 lines 25-30) at least one call of at least one device in communication with the system to be routed to a VoIP (VoIP, col. 17 line 59 - col. 18 line 11 and col. 24 lines 10-28) platform;

a step of the Central Office (central office, col. 70 lines 15-20 and col. 235 line 25 – col. 236 line 35) identifying (identifying, col. 60 lines 56-67, col. 61 lines 5-12 and col. 92 lines 25-30) at least one call of at least one device in communication with the system to be routed to a standard telephone network;

a step of the VoIP (VoIP, col. 17 line 59 - col. 18 line 11 and col. 24 lines 10-28) platform converting (converts, col. 52 lines 30-36; convert, col. 68 lines 15-26 and col. 71 lines 29-34) at least one call of one device in communication with the system to IP (IP, col. 83 lines 39-47) protocol; and

a step of routing at least one IP converted call to one or more end user devices of the system via an IP (IP, col. 83 lines 39-47) network.

Conclusion

3. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(571) 273-8300, (for formal communications intended for entry)

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamal A. Fox whose telephone number is (571) 272-3143. The examiner can normally be reached on Monday-Friday 6:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272-3134. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to 2600 Customer Service whose telephone number is (571) 272-2600.



Jamal A. Fox



WELLINGTON CHIN
ASSISTANT PATENT EXAMINER